HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.22442 of 2006

Date : 11-12-2006

Between:

New Pragathi Vidyalayam (Girls) High
School, Masood Chowk, Adilabad
Rep. By its Correspondent V.Adinath ..
Petitioner

And

The Town Municipality, rep. by its
Commissioner, Municipality Adilabad,
District Adilabad
and another ..
Respondent

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.22442 of 2006

ORDER:

Heard the Counsel.

The Writ Petition is filed for a writ of mandamus declaring the action of the 1st respondent in evicting the petitioner-school forcibly from the premises bearing Municipal No.1-2-8, total area admeasuring 2181 sq. yards situate at Masood Chowk, within the Municipality of Adilabad town, without following the due procedure of law and also in contravention of Section 192 r/w. 228 of Municipal Act and Rules as illegal, arbitrary and violative of Article 45 r/w. Article 21 of the Constitution of India and to pass such other orders.

Several factual details are narrated in the affidavit filed in support of the Writ Petition. It is stated that to the Commissioner of Municipality, Adoni – 1st respondent, a representation was made dated 15-11-2006 which reads as hereunder :

> "I, V.Adinath, Correspondent of New Pragathi Vidyalayam submit as follows:-
>
> That on 26-10-2006 The Municipal authorities have seized the entire record and the school premises and the same are in the custody of the municipality authorities Adilabad.
>
> That the record which is with the municipal authorities is quite essential to be handed over to me as it relate to the

bio-data of each and every student and as the building is also seized it had become very difficult to accommodate the students numbering alot 400 in any other building.

Therefore I request the kind authority to release the school records and also the building premises as the career of the students are at state."

Sri Polisetti Radhakrishna states that as far as the handing over of the records is concerned, the Municipality has no objection at all and it is stated that in fact the learned Standing Counsel also had instructed the Commissioner of Adilabad Municipality to do the needful in this regard.

The said statement is hereby recorded. It is needless to say that the other portion of the relief cannot be granted. In view of the same and also in the light of the statement made by the learned Standing Counsel that the Municipal Commissioner Adilabad Municipality absolutely has no objection to return the records of the school if any available, the same is hereby recorded. This Court does hope that such records pertaining to the writ petitioner – New Pragathi Vidyalayam (Girls) High School would be returned without any further delay.

With the above observation, the Writ Petition is disposed of. No costs.

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Justice P.S. Narayana

Date : 11-12-2006

Note: Furnish copy today.

AM